

**Notice of Allowability****Application No.**

10/762,112

**Examiner**

JESSICA L. LEMIEUX

**Applicant(s)**

CLUSE ET AL.

**Art Unit**

3693

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/6/2009.
2. ☒ The allowed claim(s) is/are 1-3, 5-7, 9-26 and 28-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/Stefanos Karmis/  
Primary Examiner, Art Unit 3693

**DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 1-3, 5-7, 9-26 and 26-42 are allowed.

**EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Theodore Lienesch on February 5<sup>th</sup>, 2010.

**THE APPLICATION HAS BEEN AMENDED AS DETAILED IN THE FOLLOWING PAGES:**

Claim 1: A method for renegotiating a financial instrument comprising the steps of:

initiating a logical session between a client program and a client interface affiliated with a financial institution; and

during said logical session,

displaying financial information relating to a client on said client interface,

displaying a message on said client interface that a first financial instrument of said client can be renegotiated,

transmitting from said client program a request to renegotiate said first financial instrument to said client interface,

displaying an electronic records disclosure agreement pertaining to said request to renegotiate said first financial instrument, wherein said disclosure agreement includes terms in which said client is asked to consent to use of electronic records in renegotiating said first financial instrument,

upon receipt of ~~if said client communicates~~ acceptance of said terms of said disclosure agreement from said client program to said client interface,

displaying a plurality of renegotiation options on said client interface, said plurality of renegotiation options each including a minimum balance and associated time term range and rate of return range, and disabling from selection by said client at least one renegotiation option based upon a balance of said first financial instrument,

transmitting from said client program a selection of one of said plurality of renegotiation options to said client interface, including specifying a balance amount and a time term,

transmitting from said client interface to said client program said selected renegotiation option and displaying at said client program said specified balance amount and time term and an associated rate of return, and

transmitting from said client program to said client interface acceptance of said renegotiation option, whereby said financial instrument renegotiation is completed electronically during said logical session such that said rate of return is fixed during said logical session and said financial institution does not need a printed document signed by said client agreeing to said renegotiation.

Claim 22: A system for renegotiating a financial instrument over a network comprising:

a computer-readable medium containing a client interface program affiliated with a financial institution and configured to (i) initiate a logical session with a client program and exchange data therewith and (ii) send financial information to and retrieving financial information from a legacy system of said financial institution having a customer data repository;

an application server housing said computer-readable medium and being connected to establish a logical session with a client program such that financial information relating to a client is displayed on a display device associated with said client program;

said client interface program being configured, during said logical session, to

retrieving retrieve data from said data repository that a financial instrument of said client may be renegotiated and display a message on said display device indicating that said financial instrument may be renegotiated,

communicate with said client program to solicit and receive soliciting and receiving a request to renegotiate said financial instrument from said client,

display terms of an electronic records disclosure agreement in response to said request to renegotiate, wherein said client consents to use of electronic records in renegotiating said financial instrument pertaining to said request to renegotiate and requesting said client to assent to terms thereof,

upon receipt of acceptance of-in-the-event-that-said-client-agrees-to-accept terms of said electronic records disclosure agreement, display a plurality of renegotiation options to said clients said plurality of renegotiation options each including a minimum balance amount and associated time term range and rate of return range, and disable from selection by said client at least one renegotiation option based upon a balance of said first financial instrument,

receive from said client program a selection of one of said renegotiation options from said client, including specifying a balance amount and a time term,

display at said client program, in response to said selection, said specified balance amount and time term and an associated rate of return, and

receive from said client program an acceptance of said selected renegotiation option, whereby said financial instrument renegotiation is completed electronically during said logical session such that said rate of return is fixed during said logical session and said financial institution does not need a printed document signed by said customer agreeing to said renegotiation.

### ***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance:

The closest prior art the examiner has been able to locate are US Patent Number 6,354,490 to Weiss et al., Fort Jackson Maturity Notice, and US Patent Number 7,039,600 to Meek et al..

Weiss discloses a full service consumer banking system and method for opening an account designed to be used by a bank employee. Fort discloses a mailed notice in which the recipient indicates his or her desire to renegotiate a certificate of deposit and indicates a desired amount and time term. Meek discloses marketing financial products directed specifically to ATM's.

While Weiss, Fort, and Meek are similar to the instant application in many respects, there are clear patentable distinctions. Unlike the prior art, the present invention teaches renegotiating a financial instrument that is completed in real time, and one in which specific terms of the selected renegotiated financial instrument are displayed so that the client may review them, accept them, and transmit assent to the terms.

4. The following is a formal statement of reasons for allowance:

Claim 1 is allowed because the best prior art of record alone or in combination, neither discloses nor fairly suggests the limitations: A method for renegotiating a financial instrument comprising the steps of:

- initiating a logical session between a client program and a client interface affiliated with a financial institution; and

- during said logical session,

- displaying financial information relating to a client on said client interface,

- displaying a message on said client interface that a first financial instrument of said client can be renegotiated,

transmitting from said client program a request to renegotiate said first financial instrument to said client interface,

displaying an electronic records disclosure agreement pertaining to said request to renegotiate said first financial instrument, wherein said disclosure agreement includes terms in which said client is asked to consent to use of electronic records in renegotiating said first financial instrument,

upon receipt of acceptance of said terms of said disclosure agreement from said client program to said client interface, displaying a plurality of renegotiation options on said client interface, said plurality of renegotiation options each including a minimum balance and associated time term range and rate of return range, and disabling from selection by said client at least one renegotiation option based upon a balance of said first financial instrument,

transmitting from said client program a selection of one of said plurality of renegotiation options to said client interface, including specifying a balance amount and a time term,

transmitting from said client interface to said client program said selected renegotiation option and displaying at said client program said specified balance amount and time term and an associated rate of return, and

transmitting from said client program to said client interface acceptance of said renegotiation option, whereby said financial instrument renegotiation is completed electronically during said logical session such that said rate of return is fixed during said logical session and said financial institution does not need a printed document signed by said client agreeing to said renegotiation.

Claims 2, 3, 5-8, 9-21 are also allowable for the same reasons discussed above by virtue of their dependence on allowed claim 1.

Claim 22 is allowed because the best prior art of record alone or in combination, neither discloses nor fairly suggests the limitations: A system for renegotiating a financial instrument over a network comprising:

a computer-readable medium containing a client interface program affiliated with a financial institution and configured to (i) initiate a logical session with a client program and exchange data therewith and (ii) send financial information to and retrieving financial information from a legacy system of said financial institution having a customer data repository;

an application server housing said computer-readable medium and being connected to establish a logical session with a client program such that financial information relating to a client is displayed on a display device associated with said client program;

said client interface program being configured, during said logical session, to retrieving retrieve data from said data repository that a financial instrument of said client may be renegotiated and display a message on said display device indicating that said financial instrument may be renegotiated,

communicate with said client program to solicit and receive soliciting and receiving a request to renegotiate said financial instrument from said client,

display terms of an electronic records disclosure agreement in response to said request to renegotiate, wherein said client consents to use of electronic records in renegotiating said financial instrument pertaining to said request to renegotiate and requesting said client to assent to terms thereof,

upon receipt of acceptance of terms of said electronic records disclosure agreement, display a plurality of renegotiation options to said clients said plurality of renegotiation options each including a minimum balance amount and associated time term range and rate of return range, and disable from selection by said client at least one renegotiation option based upon a balance of said first financial instrument,

receive from said client program a selection of one of said renegotiation options from said client, including specifying a balance amount and a time term,

display at said client program, in response to said selection, said specified balance amount and time term and an associated rate of return, and

receive from said client program an acceptance of said selected renegotiation option, whereby said financial instrument renegotiation is completed electronically during said logical session such that said rate of return is fixed during said logical session and said financial institution does not need a printed document signed by said customer agreeing to said renegotiation.

Claims 23-36 and 28-42 are also allowable for the same reasons discussed above by virtue of their dependence on allowed claim 22.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA L. LEMIEUX whose telephone number is (571)270-3445. The examiner can normally be reached on Monday-Thursday 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jessica L Lemieux  
Examiner  
Art Unit 3693

/J. L. L./  
Examiner, Art Unit 3693  
February 2010

/Stefanos Karmis/  
Primary Examiner, Art Unit 3693